

Dr. J. L.

BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD

IN THE MATTER OF:) Case No.: 10-09
)
DIEGO F. FLOREZ, D.V.M.) FINDINGS OF FACT,
Holder of License No. 3705) CONCLUSIONS OF LAW
) AND ORDER
For the practice of Veterinary Medicine in the)
State of Arizona)
Respondent.)
)

On October 20, 2010, and November 17, 2010, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Diego F. Florez, D.V.M. ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of his right to legal counsel by letter, appeared, and participated in the Informal Interview, and was represented by Mr. David Stoll. The Board received testimony from Respondent, Ms. Karen Smith and James Alexander, reviewed all documents submitted regarding this matter and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant to A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (8) for failure to provide copies of medical records within 10 days from the date of request by the owner. After considering all of the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order ("Order").

FINDINGS OF FACT

1. Respondent is the holder of License No. 3705 issued on January 10, 2000, and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.

1 2. On January 13, 2010, "Princess," a 12 week-old female Cane Corso Mastiff, was
2 presented to Respondent for an ear crop consultation. Respondent examined the dog and found
3 weight = 31 pounds, a temperature = 101.8 degrees, a heart rate = 124bpm, and a respiration rate
4 = 36rpm. Respondent states he advised the owner that ear crops were optional, the risks of
5 anesthesia, and an estimate of the cost.

6 4. The following day the dog was dropped off for the ear cropping by the
7 complainant's husband, Mr. Alexander. He signed the authorizations for Medical/Surgical
8 treatment and initialed the release for presurgical blood panel and CBC. Initials were also place
9 in that area that Mr. Alexander understood anesthesia carries risks and authorized the hospital to
10 place the dog under anesthesia; it is unclear if the initials are Mr. Alexander's. However during
11 testimony, he admitted he did not read the form.

12 5. Respondent examined the dog and felt the dog was a healthy for surgery. At the
13 end of the procedure, Respondent reports the dog was stable and his staff was wrapping the
14 dog's ears when it was noted that the dog's tongue changed color. The Respondent was called in
15 and CPR was initiated.

16 6. Respondent states he contacted the owner and advised her that the dog had
17 stopped breathing and was not responding to CPR. He advised her he would continue and call
18 her back. Respondent reports he continued CPR for 20 minutes without positive results.

19 7. The owners visited the hospital that evening and discussed the dog's death with
20 Respondent. He attempted to explain the possible causes for the dog's death, such as congenital
21 or anesthesia reaction.

22 8. The owner expressed concerns that she was told the dog's ashes could be picked
23 up in one week, then two, and there was further lack of communication when the cremains were
24 not returned timely. Further she requested a copy of the medical record and was advised the
25 dog's medical record was erased when she received a refund.

1 9. Respondent denies the medical records were erased or tampered with. He also
2 states they asked the cremation company to deliver the ashes to the owner. He did not provide a
3 copy of the medical records to the owner within ten days of the request.
4

5 CONCLUSIONS OF LAW

6 1. The Arizona State Veterinary Medical Examining Board has jurisdiction over this
7 matter pursuant to A.R.S. § 32-2201, et seq.

8 2. The conduct and circumstances described in the Findings of Fact above, constitute a
9 violation of A.R.S. 32-2232 (12) as it relates to A.A.C. R3-11-501 (8) for failure to provide
10 copies of the medical records to the owner within ten days of her request.

11 ORDER

12 Based upon the foregoing Findings of Fact and Conclusions of Law, it is
13 ORDERED Respondent's license number 3705 is CENSURED.

14 1. Respondent shall bear all costs incurred regarding compliance with this Order.

15 2. This Order is conclusive evidence of the matters described and may be considered
16 by the Board in determining an appropriate sanction in the event a subsequent violation
17 occurs. In the event Respondent violates any term of this Order, the Board may, after
18 opportunity for Informal Interview or Formal Hearing, take any other appropriate
19 disciplinary action authorized by law, including suspension or revocation of
20 Respondent's license.

21 REHEARING/APPEAL RIGHTS

22 Respondent has the right to petition for a rehearing or review of this Order. Pursuant to
23 A.R.S. § 32-2234 (F) and § 41-1092.09 the petition must be filed with the Board within thirty-
24 five (35) days from the date of mailing if the Order was served via certified mail. Pursuant to
25 A.A.C. R3-11-904 (C), the petition must set forth legally sufficient reasons for granting the

1 rehearing or review. The filing of a petition for rehearing or review is required to preserve any
2 rights of appeal to the Superior Court that the party may wish to pursue.

3 This Order shall be effective and in force upon the expiration of the above time period for
4 filing a motion for rehearing or review with the Board. However, the timely filing of a motion
5 for rehearing or review shall stay the enforcement of the Board's Order, unless, pursuant to
6 A.A.C. R3-11-904 (F), the Board has expressly found good cause to believe that this Order shall
7 be effectively immediately upon the issuance and has so stated in this Order.

8
9 Dated this 19th day of November, 2010.

10 Arizona State Veterinary Medical Examining Board
11 Scott Plummer, D.V.M.
12 Chairman

13 By: 
14 Jenna Jones, Executive Director

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16
17 Original of the foregoing filed
18 this 19th day of November, 2010,
19 with the:

20 Arizona State Veterinary
21 Medical Examining Board
22 1400 W. Washington, Room 240
23 Phoenix, AZ 85007
24
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1
2 Copy of the foregoing sent by
certified, return receipt mail #

3 ... 0004 5359 9459
4 this 1st day of November, 2010, to:

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8 Copy of the foregoing sent by
9 regular mail this
10 1st day of November, 2010 to:

11 Mr. David Stoll
12 Beagureau, Zukowski & Hancock, PC
13 302 East Coronado Road
14 Phoenix, AZ 85004

15
16 By: 

17 Board Staff
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